Department of State **TELEGRAM**

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C O N F I D E N T I A L USUN 1078

E.O. 11652: GDS
TAGS: TSPA, PFOR, UN UR
SUBJ: OUTER SPACE LEGAL: BULGARIAN ~~MOON TREATY~~ PROPOSAL

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY _____ DATE 2/17/82
RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
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RELEASE DENIED☐
PA or FOI EXEMPTIONS _____

1. AS REPORTED EARLIER, BULGARIA 27 MARCH TABLED IN THE MOON TREATY WORKING GROUP A COMPLETE DRAFT TREATY INCORPORATING PROVISIONS AGREED THROUGHOUT LEGAL SUB-COMMITTEE AT 1972 SESSION PLUS NEW "COMPROMISE PROPOSALS" ON FOUR UNRESOLVED ISSUES OF SCOPE, REPORTING, NATUAL RESOURCES AND LIABILITY. ARTICLES IN DRAFT RETAIN NUMBERING SET OUT IN LSC REPORT. WORKING GROUP IS CLEAR THAT BULGARIA, WHOSE ENGLISH-SPEAKING REP IS ARTICULATE AND ABLE, IS REPRESENTING USSR VIEWS. ANALYSIS OF THE "COMPROMISE PROPOSALS" FOLLOWS: IN GENERAL SEEMS FAIR TO SAY THAT THESE REPRESENT FORWARD MOVEMENT ALTHOUGH THEY ARE NOT, AS CURRENTLY WORDED, ACCERTABLE.

2. SCOPE. DRAFTING PECULIARITIES ASIDE, BULGARIAN ART I, PARA 2, WOULD EXTEND THE PROVISIONS OF TOM TO ACTIVITIES ON OTHER CELESTIAL BODIES, PER US, BUT WITH CURIOUSLY PEJORATIVE CAUTION THAT SUCH APPLICATION IS PROVISIONAL "PEN G THE ENTRY INTO FORCE OF A TREATY REGULATING THE EXPLORATION AND USE" OF OTHER CELESTIAL

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BODIES, WHICH CONTRADICTS US POSITION AGAINST ADDTIONAL TOM-TYPE TREATIES COVERING INDIVIDUAL CELESTIAL BODIES, AND WHICH WE WOULD NOT ACCEPT. THE FULL BULGARIAN TEXT READS "THE PROVISIONS OF THE TREATY SHALL BE DEEMED APPLICABLE TO THE MOON AS WELL AS TO ANY OTHER NATURAL CELESTIAL BODY, EXCEPT THE EARTH, UNTIL THE ENTRY INTO FORCE OF A TREATY REGULATING THE EXPLORATION AND USE OF SUCH CELESTIAL BODY WHEREUPON THE PROVISION OF THIS TREATY SHALL CEASE TO BE IN FORCE WITH REGARD TO THIS CELESTIAL BODY." BODY OF BULGARIAN TEXT THEN REFERS EXPRESSLY ONLY TO THE MOON, EXCEPT FOR PREAMBLE WHICH ACCEPTS US FORMULATION ON "MOON AND OTHER CELESTIAL BODIES." BULGARIAN TITLE IS "DRAFT TREATY ON THE MOON" WHICH, OF COURSE, IS UNACCEPTABLE FOR REASONS STATED EXISTING INSTRUCTIONS.

3. REPORTING. BULGARIAN ART IV, PARA 3 CALLS FOR STATE LAUNCHING A LUNAR MISSION TO FURNISH INFORMATION "AS SOON AS POSSIBLE AFTER LAUNCHING", IN CONTRADISTINCTION TO ORIGINAL US 60-DAY PRE-LAUNCHING PROPOSAL, BUT ACCEPTS ALL OTHER REQUIREMENTS OF US PROPOSAL SUCH AS DETAILED CHARACTER OF REPORTS AND PERIODIC INFORMATION ON MISSIONS LASTING MORE THAN 60 DAYS. SIMILARLY, BULGARIAN ART VI, PARAS 2 AND 3 ACCEPTS US CALLS FOR ADDITIONAL INFORMATION ON ACTIVITIES THAT MIGHT DISRUPT THE BALANCE OF THE LUNAR ENVIRONMENT OR INVOLVE PLACING RADIOACTIVE MATERIALS ON THE MOON, BUT DOES NOT REQUIRE INFORMATION BEFORE LAUNCHING.

4. LUNAR NATURAL RESOURCES. BULGARIAN TEXT MOVES TOWARD US POSITION BY ACCEPTING OUR PROPOSAL RECOGNIZING THAT A CONFERENCE OF PARTIES TO THE TREATY WILL BE NECESSARY WHEN EXPLOITATION OF CELESTIAL BODY RESOURCES REAL AND CURRENT POSSIBILITY. HOWEVER, NOTWITHSTANDING RECENT SOVIET AGREEMENTS, TO "COMMON HERITAGE" LANGUAGE IN DEEP SEABEDS CONTEXT, THE BULGARIAN TEXT STATES THAT THIS CONCEPT SHOULD BE CONSIDERED ONLY WHEN THAT CONFERENCE TAKES PLACE, WHICH FALLS FAR SHORT OF US PROPOSALS AND WILL NOT PROVE ACCEPTABLE TO LDC'S AND PROBABLY WESTERN EUROPEANS. NEVERTHELESS, BULGARIAN TEXT INCORPORATES CERTAIN OF US IDEAS AND PROVIDES A BASIS FOR DISCUSSION. IT READS QUOTE. STATES PARTIES TO THIS

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TREATY BEARING IN MIND THE NEED FOR ECONOMIC ADVANCEMENT AND RATIONAL MANAGEMENT OF THE NATURAL RESOURCES OF THE MOON, WHEN THE EXPLOITATION OF THESE RESOURCES BECOMES A REALITY, RECOGNIZE THE IMPORTANCE OF ESTABLISHING AN INTERNATIONAL REGIME GOVERNING SUCH EXPLOITATION. IN ESTABLISHING THIS REGIME DUE REGARD SHALL BE PAID TO THE PARTICIPATION OF ALL STATES IN SHARING THE BENEFITS TO BE DERIVED FROM THE EXPLOITATION OF THE NATURAL RESOURCES OF THE MOON, AND IN PARTICULAR TO THE CONSIDERATION OF THE DESIRABILITY OF DECLARING THESE RESOURCES COMMON HERITAGE OF ALL MANKIND. FOR THIS PURPOSE THE DESPOSITARY GOVERNMENTS SHALL CONVENE A CONFERENCE OF ALL STATES PARTIES TO THIS TREATY ON THE REQUEST OF ONE-THIRD OF SUCH STATES. UNQUOTE.

5. SOVIETS ARE STILL TRYING TO INCLUDE IN THE TREATY A PROVISION ON LIABICITY; ART XIII, PARA 2 OF BULGARIAN TEXT READS "A STATE PARTY SHALL BEAR INTERNATIONAL RESPONSIBILITY FOR THE DAMAGE CAUSED ON THE MOON DUE TO ITS FAULT OR THE FAULT OF PERSONS FOR WHOM IT IS RESPONSIBLE OR TO ANOTHER STATE PARTY, ITS NATURAL OR JURIDICAL PERSONS." WE WILL POINT TO UR CONTINUING DOUBT AS TO DESIRABICITY, IN ADVANCE OF HUMAN LUNAR SETTLEMENTS, OF ADDING TO RULE OF 1971 LIABILITY CONVENTION (WHICH STATES IN ART III THAT "IN THE EVENT OF DAMAGE BEING CAUSED ELSEWHERE THAN ON THE SURFACE OF THE EARTY TO A SPACE OBJECT OF ONE LAUNCHING STATE OR TO PERSONS OR PROPERTY ABOARD SUCH A SPACE OBJECT OF ANOTHER LAUNCHING STATE, THE LATTER SHALL BE LIABLE ONLY IF THE DAMAGE IS DUE TO ITS FAULT OR THE FAULT OF PERSONS FOR WHOM IT IS RESPONSIBLE"). SCHAUFELE

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